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REPORT BY THE SECRETARY-GENERAL PURSUANT TO PARAGRAPH 4
OF SECURITY COUNCIL RESOLUTION 731 (1992)

1. This report is being submitted pursuant to paragraph 4 of Security Council resolution 731 (1992), which requested the Secretary-General "to seek the cooperation of the Libyan Government to provide a full and effective response" to the requests referred to in that resolution.
2. Following consultations with the Libyan authorities, the Secretary-General sent Under-Secretary-General Vasiliy Safronchuk as his Special Envoy to Libya on 25 January 1992. The next day, Mr. Safronchuk called on the Libyan leader, Colonel Qaddafi, and delivered to him a personal message from the Secretary-General together with the text of resolution 731 and the related records of the Security Council. In his message to Colonel Qaddafi, the Secretary-General noted that he was encouraged by the assurances given to him by Minister Jadalla Belgasem El-Talhi that Libya was ready to cooperate with him. Further, while expressing the earnest hope that the matter in question could be resolved quickly so that peace could prevail, the Secretary-General emphasized that he was acting under the terms of paragraph 4 of resolution 731 and not as a mediator between the Security Council and the Libyan authorities.
3. In responding, Colonel Qaddafi asked the Special Envoy to reiterate to the Secretary-General his readiness to cooperate with him. Following receipt of the charges against two Libyan nationals, Colonel Qaddafi stated that the Libyan authorities had immediately started legal proceedings against them and appointed a judge to try them. He added that the two Libyan nationals had hired lawyers to represent them. Colonel Qaddafi said that the Libyan judges would require further information and that this should be provided by the Governments of the United States and the United Kingdom. He further suggested that if those two Governments were dissatisfied with the Libyan judges, then they should send their own judges. With specific reference to the requests contained in resolution 731 (1992), Colonel Qaddafi stated that he could not take any action which would contravene the legal system of Libya. He suggested, however, that the Secretary-General invite to Libya judges from the United States, the United Kingdom and France, as well as representatives of the League of Arab States, the Organization of African Unity and the

Organization of the Islamic Conference to observe a trial in the event that the Libyan judges decided to try the two Libyan nationals.

4. After careful consideration of this response, the Secretary-General on 30 January 1992 once again received the Permanent Representative of Libya in New York and informed him that he would now need to report to the Security Council. The Permanent Representative indicated that he would like to have a further discussion with his leadership. He proposed to the Secretary-General to allow him five to six days during which he would fly to Tripoli and consult with his leadership on its final position. Upon returning from Tripoli, the Permanent Representative met the Secretary-General on 11 February and indicated that he was mandated by his leadership to convey the following reply:

(1) Libya had decided to accept "the French demands since they were in conformity with international law and did not infringe upon the sovereignty of Libya". Libya requested, therefore, that the Secretary-General inform the French Government of that decision. The Libyan authorities further requested that the Secretary-General either take the initiative of setting up a mechanism for the implementation of this aspect of the resolution or ask France and Libya to negotiate such a mechanism among themselves.

(2) As far as resolution 731 as a whole was concerned, Libya was ready to cooperate fully with the Security Council and with the Secretary-General "in the light of the statements made in the Security Council and in a way that would not infringe upon State sovereignty nor violate the Charter of the United Nations and principles of international law". It was thus his country's view that "a mechanism should be created for the implementation of resolution 731 and, therefore, Libya invited the Secretary-General to create such a mechanism or to call upon the parties concerned to discuss among themselves and eventually agree on the setting up of the mechanism in accordance with the spirit of resolution 731".

5. The Secretary-General explained to the Ambassador that his own role under resolution 731 was determined by the provisions of paragraph 4 of that resolution. He added, however, that he would inform the Security Council fully of the position of the Libyan authorities.
